

REMARKS/ARGUMENTS:

Applicant respectfully requests reconsideration of the present application in view of the below remarks.

Pending claims 28-56 are rejected.

The Prior Art Rejections

Claims 28-56 are rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,567,811 to Edwards.

Claim 28 requires a method for managing *data that may be replicated* from one or more *volumes of data* that are part of a *first volume group*, including:

discovering logical information related to the *one or more volumes of data that are part of the first volume group* on the first computer system and creating a map of the logical information to physical devices on the first computer system;

mounting a *duplicate* of the one or more *volumes of data* on a *second computer system* having a second operating system and using the map to create a *second volume group* that is *substantially identical* to the *first volume group*.

In contrast, Edwards teaches, in the Abstract for example, merging a first volume group with another volume group to form a second, larger, volume group. The first volume group ‘disappears.’ Edwards is not relevant to mounting a *duplicate* of one or more volumes of *data* on a *second* computer system, as required by claim 28. As described in the specification, the second computer system can be a “completely separate computer system with a separate operating system and *separate disk storage*.” Nor is Edwards relevant to using a map of logical information for data volumes in the first volume group to create a *second* volume group that is *substantially identical* to the *first* volume group. Since Edwards teaches defining a new volume group having additional space for data, it does not make sense that Edwards would create a second volume group *substantially identical* to the first volume group, as claimed.

Further, Edwards does not teach duplicating *data*, but rather requires that “[f]ile systems of the disappearing volume group are now reinstated onto the new volume group.” (col. 11, lines 3-5). Edwards goes on to explain that the existing (not duplicated) data “is remounted onto the new volume group.” Edwards simply does not contemplate a completely separate computer system with a separate operating system and separate disk storage.

As described throughout Applicant’s specification, the present invention is directed to “a method of managing data that may be *replicated* from one or more volumes of data that are part of a first volume group on a first computer system.” Edwards does not teach or suggest replicating data. Rather Edwards discloses, for existing data, defining a second volume group that includes the disks in the original volume group. According to Edwards, this *eliminates the need to copy the data* from the original volume group to tape, and then to the second volume group, as explained at col. 10, lines 1-39. Thus, Edwards has no bearing on a replicated data volume, as claimed.

Accordingly, Applicant submits that claim 28 is patentably distinguishable over Edwards. For at least the same reasons, Applicant submits that claims 29-56 are also distinguishable over Edwards.

In view of the above, Applicants submit that Claims 28-56 and the entire case are in condition for allowance. A notice of allowance is respectfully requested.

The Examiner is respectfully invited to telephone the undersigning attorney if there are any questions regarding this Amendment or this application.

Applicant does not acquiesce to any assertion made by the Examiner not specifically addressed herein.

Appl. No. 09/894,422  
Reply to Office Action of June 7, 2005

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The Assistant Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845, including but not limited to, any charges for extensions of time under 37 C.F.R. §1.136.

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Respectfully submitted,

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